

REMARKS

Applicants request favorable reconsideration and withdrawal of the rejections set forth in the above-noted Office Action in view of the above amendments and the following remarks.

Claims 1-25 remain pending, with Claims 1, 12, 21, and 23 being independent claims. No claims have been cancelled. Claims 1, 12, 21, 23, and 24 have been amended to define Applicants' invention more clearly. Accordingly, there is no new matter.

Claims 1-25 are rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Giovannoli (U.S. Patent No. 5,842,178) in view of Zalewski et al. (U.S. Patent No. 6,771,981). Applicants respectfully traverse the Section 103 rejection.

With respect to independent Claim 1, the Office Action cites Giovannoli as disclosing features of the invention, including a first supplier system that provides first membership indicia to an enrollment system in response to user data provided for enrollment in a first membership program, as well as a second supplier system that provides second membership indicia to the enrollment system in response the user data provided for enrollment in a second membership program. In relation to these features the Office Action cites the buyer's and vendor's registrations shown in Figure 7 of Giovannoli.

Applicants respectfully submit, however, that the Office Action's citation to the buyer and vender features in Giovannoli cannot be taken to anticipate or suggest the claimed first and second membership indicia that are supplied in response to user data provided for enrollment in a membership program recited in independent Claim 1.

In an exemplary embodiment of Giovannoli, both buyers and vendors can register with a centralized computer system. (Col. 4, lines 4-7). Once a buyer registers, a buyer is then allowed to send request for quotes ("RFQ") to the centralized computer system. (Col. 5, lines 3-11).

Further, registered buyers and registered vendors can provide filters to the centralized computer system. In this regard, Figure 7 shows a sample buyer's data packet that is sent to centralized computer system as a RFQ. The centralized computer system then processes the RFQ from the buyer by applying filters from both the buyer and vendors that limit where the RFQ will be sent. (Col. 5, lines 12-39). Once the filtered vendors receive the RFQ, each responds to the buyer. (Col. 5, lines 40-52).

Thus, Giovannoli provides a centralized system that buyers and vendors use to send and receive RFQs. Unlike the invention recited in independent claim 1, Giovannoli is not concerned with providing a system for membership enrollment of a particular buyer with a plurality of suppliers, and thus, at no point does Giovannoli indicate that the system is configured to provided a plurality of membership indicia from the vendors in response to the buyer's data provided for enrollment in a membership program. For example, nothing in the disclosure of Giovannoli indicates that the centralized computer system receives first and second membership indicia from different vendors in response to a buyer registering with the system or requesting a quote. That is, the centralized computer system of Giovannoli does not provide for any particular relation between buyers and vendors upon registration, and as such, does not receive particular membership indicia from each of the vendors in response buyer enrolling with the system. Rather, in Giovannoli, vendors receive an RFQ from a buyer. In response, the vendors can either respond to the RFQ or not. If a vendor chooses to respond, the vendor can respond, for example, by adding to the buyer's data packet. However, these responses do not contain membership indicia provided by the vendor, as shown in Fig. 7.

Thus, Applicants submit that Giovannoli falls short of a system that includes a first supplier system providing a first membership indicia to an enrollment system in response to user

data provided for enrollment in a first membership program, as well as a second supplier system providing a second membership indicia to the enrollment system in response to user data provided for enrollment in a second membership program, as recited in independent Claim 1.

Applicants further submit that the secondary citation to Zalewski et al. fails to cure the deficiencies of Giovannoli. Zalewski et al. is cited in the Office Action as suggesting the features of independent Claim 1 related to a readable storage device. In any event, Applicants submit that Zalewski et al. does not disclose or suggest the features of the claimed invention related to first and second supplier systems that Giovannoli fails to disclose or suggest, as described above.

Applicants also submit that independent Claims 12, 21, and 23 are distinguishable from Giovannoli and Zalewski et al. for reasons analogous to those discussed above with respect to independent Claim 1. For example, independent Claim 12, like independent Claim 1, recites first and second supplier systems that provide first and second membership indicia in response to user data provided for enrollment in a first membership program. Independent Claims 21 and 23 recite methods of enrolling a user in a membership program that includes, inter alia, providing the user specific data to a plurality of service providers for enrollment in a corresponding plurality of membership programs in combination with receiving from the plurality of service providers unique membership numbers. As discussed above, Giovannoli and Zalewski et al. fail to disclose or suggest a plurality of suppliers providing indicia such as membership numbers to a system in response to user data provided for enrollment in a membership program.

Thus, for at least the foregoing reasons, Applicants submit that Giovannoli and Zalewski et al. fail to disclose or suggest the invention recited in independent Claims 1, 12, 21, and 23.

The dependent claims should also be deemed allowable, in their own right, for defining other patentable features of the present invention in addition to those recited in the independent claims. Applicant requests further individual consideration of these dependent claims.

Applicants submit that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejection set forth in the Office Action, and a Notice of Allowability are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. Office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/James R. Carpenter/

James R. Carpenter
Attorney for Applicants
Registration No. 62,747

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Facsimile: (212) 218-2200